

## REMARKS

### *Claim Status*

After entry of this Amendment, Claims 1 – 7 are pending. By this Amendment, Claims 3 and 4 are amended. No new matter is added.

### *Priority*

Applicant submits contemporaneously with the filing of this Amendment a certified copy of DE 201 12 945.0.

### *Claim Objections*

The Examiner objects to Claims 4 and 7 because there is insufficient antecedent basis for the limitation “the support.” In response, Applicant amends Claim 4, as set forth in the above listing of claims, to recite that the spacer element is attached to a support for the separating blade. Claim 7 depends from Claim 4.

Further, although not objected by the Examiner, Applicant amends Claim 3 to recite “a holder” instead of “the holder.”

Applicant respectfully requests the Examiner to reconsider and withdraw the objections to the claims.

### *Claim Rejections – 35 U.S.C. § 102*

The Examiner rejects Claims 1 – 3 under 35 U.S.C. § 102(a) as being anticipated by Wahler (DE Pat. 20104561 U1). Hence, the Examiner asserts that Wahler discloses each and every limitation of these claims. Applicant respectfully traverses because Wahler at least fails to disclose a spacer element comprising a ramp and arranged such that the tachograph charts are lifted off from a respective registration plane, as defined in Claim 1.

In rejecting Claim 1, the Examiner asserts that Wahler’s Figs. 1 and 3 show with reference numeral 51 a spacer element. In Wahler, reference numeral 51 designates a tongue provided on a thin plate 48, and extending in the plane of the thin plate 48, as shown in Fig. 3. In fact, Wahler’s tongue 51 corresponds to the tongue 52 shown in Fig.

2 of the present application, as can be seen when comparing Wahler's Fig. 1 with Fig. 2 of the present application. In addition, the present specification explains on page 10, lines 26 – 30, that the tongue 52 is formed on a thin plate 49.

In view of the foregoing and Wahler's failure to disclose any other structure that might be viewed as a spacer element, as defined in Claim 1, Applicant respectfully submits that Wahler does not disclose a spacer element as defined in Claim 1. Accordingly, Wahler does not anticipate Claim 1. Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 102(a) and to pass Claim 1 to allowance.

Claims 2 – 7 depend from Claim 1. For this reason and because of the additional features recited in these claims, Applicant respectfully submits that Claims 2 – 7 are patentable over Wahler. Applicant respectfully requests the Examiner to pass Claims 2 – 7 to allowance.

***Claim Rejections – 35 U.S.C. § 103***

The Examiner rejects Claims 4 and 7 under 35 U.S.C. § 103(a) as being obvious over Wahler. Applicant respectfully traverses.

Claims 4 and 7 depend from Claim 1. For this reason and because of the additional inventive features recited in the dependent claims, Applicant submits that Claims 4 and 7 are patentable over Wahler. Absent unacceptable hindsight that uses Applicant's claimed invention as a template for improperly modifying the prior art, Wahler provides no suggestion for providing a spacer element comprising a ramp and arranged such that the tachograph charts are lifted off from a respective registration plane, as defined in Claim 1. Applicant respectfully requests the Examiner to reconsider and withdraw the instant rejection, and to pass Claims 4 and 7 to allowance.

***Allowable Subject Matter***

Applicant appreciates the Examiner's finding that Claims 5 – 6 would be allowable if rewritten in independent form. However, as discussed above, Applicant

believes that Claim 1 is patentable over Wahler, and that Claims 5 – 6 are patentable as depending from Claim 1.

#### **Summary of response**

Applicant has responded to the rejections in the April 7, 2008 Office Action by presenting the foregoing arguments. Applicant respectfully submits that Claims 1 – 7 are in condition for allowance. Applicant respectfully requests the Examiner to withdraw all rejections and to pass this application to the issue process.

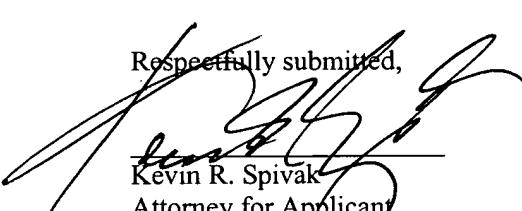
#### **Request for telephone interview**

The undersigned has made a good faith effort to respond to the objection and to all of the rejections raised in the Office Action so as to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the undersigned attorney of record at the telephone number listed below in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to **Deposit Account No. 502464** referencing attorney docket number **2001P20221WOUS**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Date: July 2, 2008

Respectfully submitted,

  
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